



Department for
Communities and
Local Government

Lucy Gill
NewsMedia Association

By email: LucyG@newsmediauk.org

Baroness Williams of Trafford
Parliamentary Under Secretary of State

*Department for Communities and Local
Government*
Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 3461
Fax: 020 7035 0018
E-Mail: Baroness.Williams@communities.gsi.gov.uk

www.gov.uk/dclg

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Dear Ms Gill,

Thank you for your email of 18 June, and your letter of 1 July, about the Cities and Local Government Devolution Bill. I apologise for the delay in my reply, however I wanted to reflect in my response the amendments we have made to the Bill that help to address your concerns. Firstly, in response to your letter of 1 July:

I understand your concerns about the openness of combined authority meetings. The Local Government Act 1972 provides that all meetings of a combined authority, like those of local authorities, must be open to the public except in limited defined circumstances. The Conservative-led Coalition Government made new Regulations in 2014 to make clear that local government bodies, including combined authorities, are required to allow any member of the public or press to take photographs, film, audio record and report on all public meetings. This openness ensures genuine transparency and these requirements apply equally to any committees or sub-committees of a combined authority, including any overview and scrutiny committees.

Legislation does not prevent informal discussions taking place among individuals in advance of a formal meeting. This is the case for combined authorities just as it is for local authorities.

The Bill enables the Secretary of State to require a combined authority's overview and scrutiny committee to publish its reports and recommendations. However this must be subject to necessary exemptions, for instance those for commercial confidentiality. It is intended that secondary legislation made by the Secretary of State will set out those exemptions, so that it will be clear at the outset what restrictions the overview and scrutiny committee are working to. As is already the case for local authority meetings, the decisions on whether an item of information is exempt will be taken by the overview and scrutiny committee and they will be accountable for those decisions. Similarly, indication of what information has been withheld, and public challenge over decisions to withhold, will be the same as for other local authority meetings.

Finally, the Government committed in the House of Lords to make secondary legislation under paragraph 3(2)(g) of Schedule 3 to the Bill to ensure that members of the scrutiny committees for the combined authority will have access to documents containing exempt or confidential information where it relates to a decision that they are reviewing. It is right that

any further legislation on the provision of information and openness of combined authorities are provided for in secondary legislation rather than on the face of the Bill so that they can be more easily updated where necessary, without the need to take primary legislation through Parliament. This will ensure that openness of local government bodies keeps up with societal and technological changes.

You rightly emphasise the role of overview and scrutiny committees in your letter. Through the passage of the Bill in the House of Lords, the Government have made amendments to further strengthen their role. Overview and scrutiny committees will now have powers to 'call in' decisions of the combined authority, and to direct the combined authority not to implement the decision while the overview and scrutiny committee has it under review.

Orders will be based on proposals put forward by areas for devolution deals. Those proposals will be the result of local negotiation and discussion, to which all constituent local authorities must agree if the proposal is to be implemented. The Secretary of State will consider consultation undertaken by local authorities before making orders for the deal. These orders are subject to the affirmative resolution procedure and, following further Government amendments, will be accompanied by reports on consultation and other evidence considered by the Secretary of State before making those orders.

You recommend that meetings of the mayor, the deputy mayor and any mayoral delegates appointed under the Bill be held in public. However it would not be desirable or practical to require that all day to day meetings of mayor, deputy mayor and mayoral delegates be open to the public. To do so could have the effect of severely restricting the mayor's ability to communicate with colleagues in a timely manner.

Regarding your query about how guidance for overview and scrutiny committees will be consulted on, if the Secretary of State draws up any such guidance he will of course want to seek the views of those expert in the field of overview and scrutiny. Finally, you recommend that where the Secretary of State exercises certain powers under the Bill, this should be publicised by local newspapers in the areas concerned. However Government believes that such communication takes place most appropriately at the local level, when local authorities are preparing proposals for deals. Moreover, it is for local authorities to consider how they publicise their proposals, and we have no plans to interfere with that. The documents pertaining to any agreed deal will also be available on the gov.uk website.

Yours sincerely,



BARONESS WILLIAMS OF TRAFFORD